

Exhibit A

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, PALM SPRINGS COURTHOUSE**

Defendants.

) Case No.: CVP82203003
)
) COMPLAINT AND DEMAND FOR
) JURY TRIAL

2. Plaintiff CODY PATTON is a natural person residing in Palm Springs, CA.
3. Defendant CBC SETTLEMENT FUNDING, LLC at all times relevant was a corporation doing business in Riverside County, California operating from an address at One West First Ave, Suite 310, Conshohocken, PA 19428.

4. The true names and capacities, whether individual, corporate (including officers and directors thereof), associate or otherwise of Defendants sued herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues these Defendants by such fictitious names. Plaintiff is informed and believes, and alleges that each Defendant designated as a DOE is involved in or is in some manner responsible as a principal, beneficiary, agent, co-conspirator, joint venturer, alter ego, third party beneficiary, or otherwise, for the agreements, transactions, events and/or acts hereinafter described, and thereby proximately caused injuries and damages to Plaintiff. Plaintiff requests that when the true names and capacities of these DOE Defendants are ascertained, they may be inserted in all subsequent proceedings, and that this action may proceed against them under their true names.

5. Venue in this Judicial District is proper in that the Defendants transact business here and the conduct complained of occurred here.

III. FACTUAL ALLEGATIONS

6. Defendant CBC Settlement Funding, LLC ("CBC") "is an accredited annuity and structured settlement buyer..."¹ CBC "offer[s] structured settlement and annuity purchasing as well as pre-settlement funding."²

7. CBC began calling Plaintiff's cell phone in an attempt to solicit Plaintiff's business using an automated telephone dialing system and/or a pre-recorded or artificial voice to deliver messages.

8. Plaintiff at no time had a business relationship with CBC.

9. Plaintiff at no time ever contacted CBC to inquire into or apply for CBC's services.

10. Plaintiff at no time ever provided his consent, express or implied, for CBC to call him or leave voice messages on his cell phone; to the contrary, Plaintiff is registered with the "National Do Not Call Registry."

11. CBC called Plaintiff on consecutive days, with multiple calls within a 24-hour

¹ <https://www.cbcsettlementfunding.com/about-us/>

² *Id.*

1 period frequently.

2 12. The amount and frequency of the calls rose to the level of harassment. For
3 example, CBC called Plaintiff at least seven (7) times on June 29, July 11, and July 12, 2022
4 each day. CBC also called Plaintiff at least ten (10) times on June 28, 2022.

5 13. CBC further left voicemessages using an artificial or pre-recorded voice on
6 Plaintiff's voicemail box. Numerous voicemail recordings sound virtually identical,
7 lasting 12 to 13 seconds.

8 14. As a result of the acts alleged above, Plaintiff suffered emotional distress.

9 IV. FIRST CAUSE OF ACTION

10 (Against all Defendants for Violation of the TCPA)

11 15. Plaintiff repeats, realleges and incorporates by reference all of the foregoing
12 paragraphs.

13 16. Based on information and belief, Defendants made calls to Plaintiff's cell phone
14 using an automatic telephone dialing system and/or an artificial or pre-recorded voice
15 (including an automated dialing machine, dialer, and auto-dialer).

16 17. Defendants improperly invaded the privacy rights of Plaintiff and violated the
17 TCPA by the above-described actions. Defendants' violations include, but are not limited to,
18 the following:

19 (a) By repeatedly making calls using an automatic telephone dialing system
20 and/or an artificial or prerecorded voice to the Plaintiff's cell phone
21 without Plaintiff's express consent in violation of 47 U.S.C. §
22 227(b)(1)(A)(iii) and (c).

23 18. As a result of Defendants' violations of the TCPA, Plaintiff is entitled to \$500
24 for each call pursuant to 47 U.S.C. §227 (b)(3)(B).

25 19. As a result of Defendants' violations of the TCPA, Plaintiff is entitled to a
26 maximum of treble damages of \$1,500 per call pursuant to 47 U.S.C. §227(b)(3)(C).

27 20. Pursuant to 47 U.S.C. §227 *et seq.* and as a result of the above violations, the
28 Defendants are liable to the Plaintiff for actual damages and statutory damages.

V. SECOND CAUSE OF ACTION

(Against all Defendants for Invasion of Privacy: Intrusion Into Private Affairs)

21. Plaintiff repeats, realleges, and incorporates by reference all of the foregoing paragraphs.

22. Plaintiff had a reasonable expectation of privacy in his solitude, seclusion, and private concerns and affairs.

23. Defendants willfully and intentionally intruded into Plaintiff's solitude, seclusion and private affairs by repeatedly and unlawfully calling Plaintiff in an unjustifiably excessive amount.

24. Defendants' intrusions would be highly offensive to a reasonable person and did in fact offend Plaintiff.

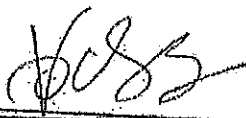
25. As a result of such invasions of privacy, Plaintiff was harmed and caused emotional distress.

26. Defendants acted with oppression and/or malice, and Defendants are therefore liable to Plaintiff for damages in an amount to be proven at trial, and for punitive damages.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against all Defendants, and each of them, for the following:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Costs and reasonable attorneys' fees;
- (d) Punitive damages; and
- (e) For such other and further relief as the Court may deem just and proper.


Dated: July 29, 2022

/s/ 
Octavio Cardona-Loya II
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff demands trial by jury in this action.

Dated: July 29, 2022

/s/ 
Octavio Cardona-Loya II
Attorney for Plaintiff

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability (not asbestos or toxic/environmental) (24) Medical Malpractice (46) Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD Non-PI/PD/WD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice (not medical or legal) Other Non-PI/PD/WD Tort (35) Employment Wrongful Termination (36) Other Employment (15)	Contract Breach of Contract/Warranty (06) Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence) Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (not provisionally complex) (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute Real Property Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property (not eminent domain, landlord/tenant, or foreclosure) Unlawful Detainer Commercial (31) Residential (32) Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential) Judicial Review Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403) Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (arising from provisionally complex case type listed above) (41) Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment (non-domestic relations) Sister State Judgment Administrative Agency Award (not unpaid taxes) Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case Miscellaneous Civil Complaint RICO (27) Other Complaint (not specified above) (42) Declaratory Relief Only Injunctive Relief Only (non-harassment) Mechanics Lien Other Commercial Complaint Case (non-tort/non-complex) Other Civil Complaint (non-tort/non-complex) Miscellaneous Civil Petition Partnership and Corporate Governance (21) Other Petition (not specified above) (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Palm Springs Courthouse
3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262

Case Number: CVPS2203003

Case Name: PATTON vs CBC SETTLEMENT FUNDING, LLC

NOTICE OF DEPARTMENT ASSIGNMENT



The above entitled case is assigned to the Honorable Manuel Bustamante in Department PS2 for All Purposes.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

The court follows California Rules of Court, Rule 3.1308(a)(1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law and motion matter are posted on the internet by 3:00 p.m. on the court day immediately before the hearing at <http://riverside.courts.ca.gov/tentativerulings.shtml>. If you do not have internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, you must (1) notify the judicial secretary at (760) 904-5722 and (2) inform all other parties, no later than 4:30 p.m. the court day before the hearing. If no request for oral argument is made by 4:30 p.m., the tentative ruling will become the final ruling on the matter effective the date of the hearing.

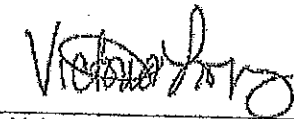
The filing party shall serve a copy of this notice on all parties.

	Interpreter services are available upon request. If you need an interpreter, please complete and submit the online Interpreter Request Form (https://riverside.courts.ca.gov/Divisions/InterpreterInfo/ri-in007.pdf) or contact the clerk's office and verbally request an interpreter. All requests must be made in advance with as much notice as possible, and prior to the hearing date in order to secure an interpreter.
	Assistive listening systems, computer-assisted real time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the Office of the ADA Coordinator by calling (951) 777-3023 or TDD (951) 777-3769 between 8:00 am and 4:30 pm or by emailing ADA@riverside.courts.ca.gov to request an accommodation. A <i>Request for Accommodations by Persons With Disabilities and Order</i> (form MC-410) must be submitted when requesting an accommodation. (Civil Code section 54.8.)

Dated: 08/03/2022

W. SAMUEL HAMRICK JR.,
Court Executive Officer/Clerk of Court

by:



V. Lopez, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Palm Springs Courthouse
3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262

Case Number: CVPS2203003

Case Name: PATTON vs CBC SETTLEMENT FUNDING, LLC

OCTAVIO CARDONA-LOYA II
3130 BONITA ROAD SUITE 200B
Chula Vista, CA 91910

NOTICE OF CASE MANAGEMENT CONFERENCE

The Case Management Conference is scheduled as follows:

Hearing Date	Hearing Time	Department
01/30/2023	8:30 AM	Department PS2
Location of Hearing: 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262		

No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement and serve it on all other parties in the case. CRC, Rule 3.725.



The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6 shall be filed in accordance with that section.

Remote Appearance at Hearing: The court **strongly encourages** parties and counsel to appear remotely for non-evidentiary hearings in civil cases. Pursuant to local rule 3132, persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing. Notice may be given informally, including by telephone, email, or text message. To appear remotely, on the day of the hearing, either use your computer, mobile device, or dial (833) 568-8864 (toll free) or (669) 254-5252, when prompted enter:

Meeting ID: 160-922-1726 #
Access Code: Press the # key (no number after the #)

Please MUTE your phone until your case is called, and it is your turn to speak. It is important to note that you must call twenty (20) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

	<p>Interpreter services are available upon request. If you need an interpreter, please complete and submit the online Interpreter Request Form (https://riverside.courts.ca.gov/Divisions/InterpreterInfo/ri-ln007.pdf) or contact the clerk's office and verbally request an interpreter. All requests must be made in advance with as much notice as possible, and prior to the hearing date in order to secure an interpreter.</p>
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CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the Notice of Case Management Conference on this date, by depositing said copy as stated above.

Dated: 08/03/2022

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by:



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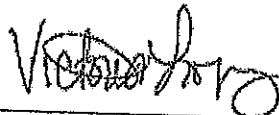
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

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W. SAMUEL HAMRICK JR.,
Court Executive Officer/Clerk of Court

by:



V. Lopez, Deputy Clerk

Notice has been printed for the following Firm/Attorneys or Parties: CVPS2203003

CARDONA-LOYA II, OCTAVIO
3130 BONITA ROAD SUITE 200B
Chula Vista, CA 91910

PATTON, CODY

CBC SETTLEMENT FUNDING, LLC